

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

LEALON MULDROW aka Amir Musa,)	
Institutional ID No. 06344-031,)	
)	
Plaintiff,)	
)	
V.)	CIVIL ACTION NO.
)	1:17-CV-127-C
JEFFERSON B. SESSIONS, <i>et al.</i> ,)	
)	
Defendant(s).)	

ORDER

This civil action was initiated by the filing of a civil complaint by Plaintiff Lealon Muldrow aka Amir Musa, an inmate in the Federal Correctional Institution of the Bureau of Prisons in Sandstone, Minnesota. On September 28, 2017, the United States Magistrate Judge entered findings, conclusions, and recommendation that Plaintiff not be allowed to proceed under 28 U.S.C. § 1915 because he previously incurred more than three “strikes” under 28 U.S.C. § 1915(g), and had not claimed in this case that he was under imminent danger of serious physical injury.¹ The report also recommended that Plaintiff be informed that his complaint will be subject to dismissal without further notice under Federal Rule of Civil Procedure 41(b), unless he pays the clerk of Court the filing and administrative fees of \$400.00 within seven (7) days of the District Judge’s Order. On October 13, 2017, Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation.

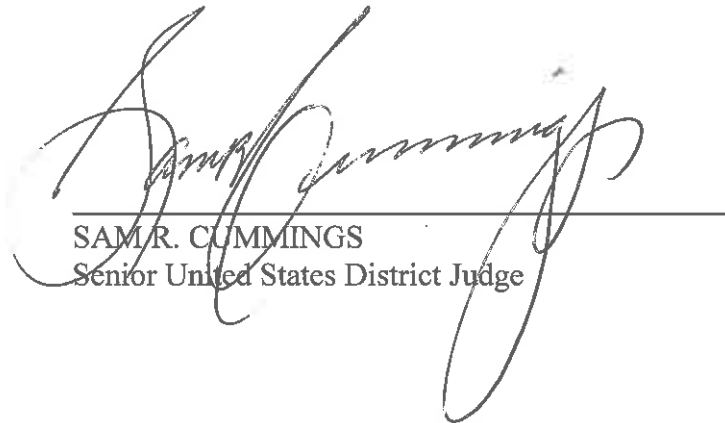
¹As a result of the Prison Litigation Reform Act (PLRA) amendments to 28 U.S.C. 1915, section 1915(g) provides that a prisoner may not proceed *in forma pauperis* in a civil action if, on three or more occasions, the prisoner had a case dismissed as frivolous, malicious, or for failure to state a claim, unless the prisoner is under imminent danger of serious physical injury. 28 U.S.C.A. § 1915(g) (West 2006).

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the findings, conclusions and recommendation. The Court concludes that, Plaintiff's objections should be overruled, and for the reasons stated by the Magistrate Judge, ADOPTS the Magistrate Judge's Report and Recommendation. Accordingly, Plaintiff's application to proceed *in forma pauperis* is DENIED.

If Plaintiff wishes to proceed with this action, he must pay to the Clerk of Court the full filing and administrative fees of \$400.00² within seven (7) days of the date of this Order. Plaintiff is advised that failure to timely pay the full fees to the clerk of Court will result in the dismissal of this action without further notice pursuant to Federal Rule of Civil Procedure 41(b).³

SO ORDERED.

Dated November 2, 2017.



SAM R. CUMMINGS
Senior United States District Judge

²In addition to the filing fee of \$350.00, the District Court Miscellaneous Fee Schedule, effective May 1, 2013, requires payment of an administrative fee for filing a civil action in district court of \$50.00. See 28 U.S.C. § 1914(a) and District Court Miscellaneous Fee Schedule, note 14.

³See *Hickerson v. Christian*, 283 F. App'x. 251 (5th Cir. 2008) (A district court may *sua sponte* dismiss an action for failure to prosecute under Rule 41(b)); see also *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) (a court may dismiss for lack of prosecution under its inherent authority).